

Obd No.: 9575-012-23

## Declaration, Power of Attorney and Petition

WE (I) the undersigned inventor(s), hereby declare(s) that:

My residence, post office address and citizenship are as stated below next to my name,

We (I) believe that we are (I am) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

### METHOD OF STRUCTURING AND USING A PERFORMANCE-BASED PARTICIPATION CERTIFICATE

the specification of which

☐ is attached hereto.

☒ was filed on April 16, 2004

as Application Serial No. 10/825,182

and amended on \_\_\_\_\_

☐ was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_

and was amended under PCT Article 19

on \_\_\_\_\_ (if applicable).

We (I) hereby state that we (I) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We (I) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

We (I) hereby claim foreign priority benefits under 35 U.S.C. §119(a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed. Prior Foreign Application(s)

Application No.	Country	Day/Month/Year	Priority Claimed			
_____	_____	_____	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
_____	_____	_____	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
_____	_____	_____	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
_____	_____	_____	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

We (I) hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

<u>60/525,889</u>	<u>December 1, 2003</u>
(Application Number)	(Filing Date)
<u>                    </u>	<u>                    </u>
(Application Number)	(Filing Date)

We (I) hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or §365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

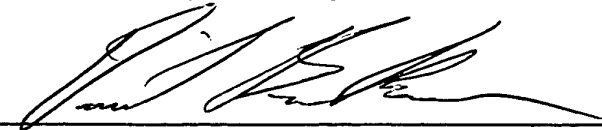
Application Serial No.	Filing Date	Status (pending, patented, abandoned)
<u>                                    </u>	<u>                                    </u>	<u>                                    </u>
<u>                                    </u>	<u>                                    </u>	<u>                                    </u>
<u>                                    </u>	<u>                                    </u>	<u>                                    </u>

And we (I) hereby appoint Steven B. Kelber, Reg. No. 30,073; Jerold I. Schneider, Reg. No. 24,765; Dale Lazar, Reg. No. 28,872; John Pike, Reg. No. 41,253; James M. Heintz, Reg. No. 41,828; Perry E. Van Over, Reg. No. 42,197; Lisa K. Norton, Reg. No. 44,977; Patrick R. Delaney, Reg. No. 45,338; Michael Ye, Reg. No. 47,195; Christopher W. Raimund, Reg. No. 47,258; Ping Wang, Reg. No. 48,328; and Susan Jensen, M.D., Reg. No. 55,775 as our (my) attorneys, with full powers of substitution and revocation, to prosecute this application and to transact all business in the Patent Office connected therewith; and we (I) hereby request that all correspondence regarding this application be sent to Supervisor, Patent Prosecution Services, Piper Rudnick LLP, 1200 Nineteenth Street, N.W., Washington, D.C. 20036-2412.

We (I) declare that all statements made herein of our (my) own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

David M. BRICKMAN

NAME OF FIRST INVENTOR



Signature of Inventor

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Date

August 4, 2004

David J. BORSOS

NAME OF SECOND JOINT INVENTOR



Signature of Inventor

Aug 4, 2004

Date

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NAME OF THIRD JOINT INVENTOR

Signature of Inventor

Date

Residence:

Citizen of:

Post Office Address:

NAME OF FOURTH JOINT INVENTOR

Signature of Inventor

Date

Residence:

Citizen of:

Post Office Address:

NAME OF FIFTH JOINT INVENTOR

Signature of Inventor

Date

Residence:

Citizen of:

Post Office Address: